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6 Attorneys for Plaintiff: QuesTech Financial California, LLC

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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

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11 QUESTECH FINANCIAL CALIFORNIA, LLC,) No. CIV. S-04-2553 FCD GGH
12 Plaintiff,)
13 v.)
14 JYM CORPORATION,)
15 Defendant.)
16 v.)
17 BASKIN-ROBBINS USA CO., TOGOS)
EATERIES, INC.,)
18 Third-Party Defendants.)
19)
20 BASKIN-ROBBINS USA CO., TOGOS)
EATERIES, INC.,)
21 Third-Party Defendants/)
Counterclaimants/)
Counter-Defendants)
22 v.)
23 QUESTECH FINANCIAL CALIFORNIA, LLC,)
24 Counter-Defendant/)
Counterclaimant.)
25)
26)
27)
28)

**STIPULATION OF PARTIAL
DISMISSAL**

1 Plaintiff and Counter-Defendant/Counterclaimant QuesTech Financial California, LLC
2 (“QuesTech”) and Counterclaimants/Counter-Defendants Baskin-Robbins USA, Co. and Togos
3 Eateries, Inc. (collectively, “Baskin/Togos”), by and through their respective counsel of record,
4 hereby stipulate that:

5 **WHEREAS**, Baskin/Togo’s brought certain claims against QuesTech as set forth in that
6 certain Counterclaim for (1) trespass; (2) declaratory relief; and (3) breach of contract dated August
7 15, 2005 (the “Baskin/Togos Counterclaim”);

8 **WHEREAS**, QuesTech brought certain claims against Baskin/Togos as set forth in that
9 certain Counterclaim for (1) conversion and (2) unjust enrichment dated September 16, 2005 (the
10 “QuesTech Counterclaim”);

11 **WHEREAS**, QuesTech and Baskin/Togos desire to dismiss with prejudice all of the claims
12 asserted in the Baskin/Togos Counterclaim and the QuesTech Counterclaim (collectively, the
13 “Claims”) without incurring further costs of litigation; and

14 **NOW, THEREFORE**, it is stipulated and agreed that the Claims are hereby dismissed with
15 prejudice, without costs or attorneys’ fees.

16 Dated: March ___, 2006

McDONOUGH HOLLAND & ALLEN PC

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18 /S/
19 STEPHEN M. LERNER
20 Attorney for Plaintiff and
Counterclaimant/Counterclaim-Defendant
QuesTech Financial California, LLC

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22 Dated: March 23, 2006

WILKE, FLEURY, HOFFELT, COULD &
BIRNEY, LLP

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24 /S/
25 DANIEL L. EGAN
26 Attorney for Third-Party Defendants and
Counterclaimants/Counter-Defendants
Baskin-Robbins USA, Co. and Togos
Eateries, Inc.

1 IT IS SO ORDERED:
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3 Dated: April 20, 2006

4 /s/ Frank C. Damrell Jr.
5 HON. FRANK C. DAMRELL, JR.
6 UNITED STATES DISTRICT COURT
7 JUDGE
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